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**THE HONORABLE MARY JO HESTON
CHAPTER 13**

HEARING DATE: September 28, 2023

HEARING TIME: 1:00 P.M.

LOCATION: Tacoma

RESPONSE DATE: September 21, 2023

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**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In Re:

BRIAN DOUGLAS DESKINS and
CHERYL ANN DESKINS,

Debtors.

Case No.: 18-42845-MJH

NOTICE OF HEARING AND MOTION FOR
DETERMINATION OF FINAL CURE AND
PAYMENT

NOTICE

YOU ARE HEREBY NOTIFIED that a hearing on Trustee's Motion for
Determination of Final Cure and Payment will be heard before the Honorable Mary Jo Heston
at **1:00 P.M. on September 28, 2023**, at the U.S. Bankruptcy Courthouse, 1717 Pacific
Avenue, Courtroom I, Tacoma, WA 98402.

IF YOU OPPOSE this motion, you must file your written response with the Court
Clerk and deliver copies on the undersigned and all interested parties, **NOT LATER THAN**
THE RESPONSE DATE, which is **September 21, 2023**. You should also appear at the time of

NOTICE OF HEARING AND MOTION FOR
FINAL CURE AND PAYMENT

1 hearing. If you fail to do so, the Court may enter an order granting the motion without any
2 hearing and without further notice.

3
4 **MOTION**

5 **COMES NOW**, Michael G. Malaier, the Chapter 13 Standing Trustee, and hereby
6 requests the Court make determination of final cure and payment pursuant to Fed. R. Bankr. P.
7 3002.1(h) as follows:

8 Debtors' Chapter 13 plan was confirmed on February 16, 2019, ECF No. 40, providing
9 for debtors' second mortgage owed Bank of America., Claim No. 6, to be paid direct.

10 An order was entered on May 11, 2020 Approving Post-Confirmation Modification,
11 which provided for the second mortgage, transferred from Bank of America to Specialized Loan
12 Servicing, to be paid inside the plan.

13 There have been four Transfers of Claim, with the most recent, ECF No. 80, indicating
14 the current Servicer is Legacy Mortgage Asset Truste 2021-SL2.

15 A proof of claim was filed July 29, 2020, Claim 6-2, by Specialized Loan Servicing LLC,
16 listing arrears owed of \$3,817.00.84 and the post-petition monthly payment \$433.43. No Notice
17 of Mortgage Payment Changes have been filed since creditor filed their proof of claim July 29,
18 2020.

19 According to Trustee's records, Debtors are current on their pre and post-petition
20 mortgage payments through September, 2023, with the next mortgage payment due October,
21 2023. *See* Declaration of Tracy Maher. Trustee's records reflect that Debtor's pre-petition
22 mortgage arrears have been paid in full. *Id.*

1 The only issue preventing closure of this case and issuance of Trustee's Final Report is
2 a determination as to the post-petition status of Creditor's claim. It is prejudicial to the Debtors
3 to allow Creditor to prevent the closure of this case based on the assertion of an unsupported
4 discrepancy and instead raise the issue after all payments have been made under the plan.

5 **WHEREFORE** the Trustee respectfully requests that the Court make a determination
6 that the Debtor has cured the default and made all ongoing payments under the terms of the plan
7 and that the loan is current through September, 2023, as of the date of this motion.

8 **DATED** this 22nd day of August, 2023.

9
10 /s/ Mathew S. LaCroix

11 Mathew S. LaCroix, WSBA #41847 for
12 Michael G. Malaier, Chapter 13 Trustee

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14 **PROOF OF SERVICE**

15 I declare under penalty of perjury under the laws of the United States as follows: I
16 mailed via regular mail a true and correct copy of the Trustee's Motion for Determination of
17 Final Cure, Declaration and Proposed Order to all parties listed on the attached mailing matrix.

18 The following parties received notice via ECF:

19 °Ellen Ann Brown
20 °Lance E. Olsen
°Jason C. Tatman

°Dane Exnowski
°Michael S. Scott
°US Trustee

21 Executed at Tacoma, Washington on the 22nd day of August, 2023.

22
23 /s/Tracy Maher

24 Tracy Maher
25 Office Manager